

REMARKS/ARGUMENTS

Claims 1-20 remain in this application. Claims 1 has been amended. Claim 11 has been cancelled herein. No new claims have been added.

1. Information Disclosure Statement

The Examiner has indicated that the information disclosure statement filed on 10 January 2005 does not comply with 37 CFR 1.98(a)(2) which requires a legible copy of each foreign patent, each publication or that portion which caused it to be listed. The Examiner asserts that document WO 01/71391 has not been provided. The Examiner has suggested that the quickest way to alleviate the problem is if the Applicant re-sent the document. Applicant submits herewith Information Disclosure Statement and a copy of document WO 01/71391.

2. Claim Rejections under 35 USC § 103 (Jiang)

Claims 1-10 and 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al (US 2001/0012510 A1).

Respectfully, the rejection is traversed. Claim 1 has been amended to add additional structure around the central core segment. In particular, the central core claimed must include

an inner peak having a relative refractive index $\Delta_i\%$ located at a radius r_i of between 0.0 μm and 1.0 μm ,

an outer peak with a relative refractive index $\Delta_1\%$ located at a radius r_o between 1.5 μm and 2.5 μm , and

a trough positioned between the inner peak and outer peak having a minimum relative refractive index $\Delta_t\%$ less than both $\Delta_i\%$ and $\Delta_1\%$
wherein the minimum trough index $\Delta_t\%$ is between 0.3% to 1.0%.

No such structure is taught or suggested in Jiang. The outer peak in Jiang is located below 1 microns, whereas the outer peak in the present invention must be positioned between 1.5 and 2.5 microns. Furthermore, as claimed, the minimum trough index $\Delta_t\%$ is between 0.3% to 1.0%. Likewise, this structure is nowhere taught or suggested in Jiang. Absent a teaching or suggestion to modify the existing profile of Jiang to arrive at that claimed by Applicant, a *prima facia* case of obvious is not made out. Thus, the rejection cannot stand. This is not a case of optimization or overlapping ranges, as the claimed invention lies clearly outside of the prior art. Likewise, there is no suggestion or teaching of how to modify the Jiang to arrive at the claimed invention. Accordingly, claims 1 is believed allowable and distinguishes the cited references. Claim 11 is cancelled.

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3. Claim Rejections under 35 USC § 103 (Li)

Claims 1 and 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al (US 6,031,956).

Li is inapplicable to the claimed invention and claim 1 has been amended to more particularly point out these differences. In particular, the claimed invention is directed to a dispersion compensating fiber which, as now claimed, exhibits negative dispersion at 1550 nm. Li is not a dispersion compensating fiber at all, but is a transmission fiber having positive dispersion (See Col. 5, lines 1-3). Thus, one of ordinary skill in the art would not look to this reference to improve upon a dispersion compensating fiber. Accordingly, Li does not teach or suggest the claimed invention.

4. Prior Art Not Relied Upon

The prior art made of record and not relied upon by Examiner is no more applicable to the claimed invention than that relied upon by Examiner.

5. Conclusion

Based upon the above amendments, remarks, and papers of records, Applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Applicant believes that a two (2) month extension of time is necessary to make this Reply timely. Should Applicant be in error, Applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Randall S Wayland at 607-974-0463.

Respectfully submitted,



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